

REMARKS/ARGUMENTS

The Office Action mailed November 29, 2005 has been reviewed and carefully considered. Claims 1, 3-7, and 9-12 are pending in this application, with claims 1 and 7 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claim Amendments

Claims 2 and 8 are canceled without prejudice. Claims 1 and 7 are amended to recite "a user profile comprising user-specific information about alternative means of payment employable by the user", that a mode of payment message comprises "a list of the alternative means of payment employable by the user", that the list of the alternative means of payment for selection by the user is presented on the mobile terminal, a response message is generated "based on user input in response to the presented list of alternative modes of payment", and "the response message indicating a means of payment selected by the user from the presented list of alternative means of payment". Support for these limitations is found in original claims 2 and 8 and at page 4, line 21 to page 5, line 7. Claim 3 is amended to change "mode of payment method" to --mode of payment message--, so that claim 3 is consistent with the antecedent phrase of claim 1.

Rejections Under 35 U.S.C. §102

Claims 1-12 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,387,784 (Sarradin).

Independent claims 1 and 7 each recite "presenting, on the mobile station, the list of the alternative means of payment for selection by the user", and "generating a response message based on user input in response to the presented list of alternative means of payment

and sending the response message to the network application, the response message indicating a means of payment selected by the user from the presented list of alternative means of payment".

Sarradin fails to teach or suggest the above limitations because Sarradin discloses only a portable card payment terminal for swiping a payment card. According to Sarradin, a payment terminal is used for electronic payments by card for effecting a transaction between a retailer, or any other business person, and a customer (see col. 1, lines 9-12, of Sarradin). The payment terminals 1, 2, ... n of Sarradin are connected by a radio link to a central station 10 which is connected to a "retailer's processing center" RPC 20 (col. 3, lines 58-62). The link between the central station 10 and the RPC 20 can be by a switched telephone network STN 30 or a dedicated network 40 (col. 3, lines 62-67). The payment terminal includes a card reader 75 (col. 4, lines 3-4). Transactions performed on the payment terminals can be transferred directly to the central station in an on-line mode (col. 2, lines 52-54) or stored on the payment terminal for a subsequent transfer in an off-line mode (col. 3, lines 14-17).

There is no disclosure, teaching or suggestion in Sarradin that the payment terminals of Sarradin present to the user a "list of the alternative modes of payment for selection by the user" or the limitation "generating a response message based on user input in response to the presented list of alternative means of payment and sending the response message to the network application, the response message indicating a means of payment selected by the user from the presented list of alternative means of payment", as now expressly recited in independent claims 1 and 7. In contrast, the portable payment terminals disclosed by Sarradin merely allow a card reader to be brought to a customer so that the customer can swipe a payment card without requiring the customer to move to a card terminal (see col. 1, lines 38-45, of Sarradin, which discloses that a waiter brings a portable terminal to a restaurant customer).

The Examiner alleges that the steps of presenting the list of the alternative means of payment and generating a response message based on user input in response to the presented list of alternative means of payment are disclosed in Sarradin at col. 2, lines 5-16, cols. 2-3, lines 67-13, and col. 4, lines 46-59. As described below, these sections of Sarradin fail to disclose the claimed steps of presenting and generating. Col. 2, lines 2-3, of Sarradin merely states that the payment terminals communicate with a central station during transactions and that the terminals include a means for entering transaction data. Entering transaction data has nothing to do with presenting a "list of the alternative modes of payment for selection by the user" or generating "a response message based on user input in response to the presented list of alternative means of payment", as recited in independent claims 1 and 7. The section of Sarradin at col. 2, line 67 to col. 3, line 13, discloses checking, by the central station, for other transactions by the bearer of the payment card as part of a validation of the transaction. However, the performance of these validation steps also fails to teach or suggest presenting a "list of the alternative modes of payment for selection by the user" or generating "a response message based on user input in response to the presented list of alternative means of payment", as recited in independent claims 1 and 7. The last section of Sarradin cited by the Examiner, col. 4, lines 46-59, discloses that the central station manages a plurality of terminals. Again, this management function discloses nothing about presenting a "list of the alternative modes of payment for selection by the user" or generating "a response message based on user input in response to the presented list of alternative means of payment".

The Examiner further alleges that the limitations of original claims 2 and 8, which recite that the user selective payment alternatives are defined in a mode of payment message, are disclosed at col. 2, lines 52-66; col. 4, lines 46-59; and claim 1 at col. 5, lines 2-28 of Sarradin.

Col. 2, lines 52-66 merely describes an on-line mode in which transactions are transferred to a central station at the time of the transaction. The transfer of a transaction to a central station provides no indication that a presentation of a "list of the alternative modes of payment for selection by the user", is made on the portable terminal. The section at col. 4, lines 46-59 is described above and merely discloses that the central station manages a plurality of terminals. Lastly, claim 1 at col. 5, lines 2-28 also fails to teach or suggest the recited steps of presenting and generating. According to claim 1 of Sarradin, the terminal identifies a payment medium, includes a means for entering data, and provides means for generating a payment authorization request signal during the transaction. There is no disclosure, teaching or suggestion that a list of alternative payment modes is presented to the customer or that "a response message based on user input in response to the presented list of alternative means of payment" is generated. Instead, Sarradin merely provides a portable terminal in which a customer can swipe a payment card.

In view of the above amendments and remarks, independent claims 1 and 7 are not anticipated by Sarradin under 35 U.S.C. §102.

Furthermore, since Sarradin merely discloses moving a card payment terminal to a customer, Sarradin also fails to teach or suggest presenting a "list of the alternative modes of payment for selection by the user". Therefore, independent claims 1 and 7 are also allowable over Sarradin under 35 U.S.C. §103.

Dependent claims 3-6 and 9-12, each being dependent on one of independent claims 1 and 7, are deemed to be allowable for at least the same reasons as are independent claims 1 and 7.

The application is now believed to be in condition for allowance, and early notice to that effect is earnestly solicited.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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